

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

John F. Oglesby, #194567)	C/A No. 8:13-3378-TMC-JDA
)	
Plaintiff,)	
)	REPORT AND RECOMMENDATION
vs.)	
)	<i>for partial disposition</i>
Robert M. Stevenson, III, Warden; Dennis)	
Bush, Associate Warden; Sharonda Sutton,)	
Associate Warden; John Tomarchio,)	
Physician III; Tamika Montgomery, Grievance)	
Coordinator; Takisha Smith, RNI; Carol E.)	
Mitchell-Hamilton, Nurse Practitioner;)	
Seraphine U. Niati, RN II; Gina Craig, RN;)	
Yvonne Munro, LPN; Margo R. Williams, RNI;)	
Margaret E. Jackson, RNI; Linda A. Wooten,)	
LPN; Ebony Guess, LPN; NFN Orange, RNI;)	
Erika Brown, LPN; Harvey Beech, RNI; Linda)	
Fields, LPN; Harold Scott, Lt.; Larry Cook,)	
Sgt.,)	
)	
Defendants.)	
)	

In this prisoner civil rights action, on December 27, 2013, this Court authorized service of process upon the defendants, including Linda Fields. [Doc. 9.] After it appeared that the address given by Plaintiff for Linda Fields was incorrect because the Marshal was not able to accomplish service of process [Doc. 26], on February 20, 2014, this Court ordered Plaintiff to complete and return to the Clerk of Court a new summons form and Form USM-285 for Linda Fields with a new updated address for her [Doc. 34]. This Court explained that if Plaintiff could not obtain a new updated address for Linda Fields, he must notify the Court in writing whether he agrees to dismiss the defendant without prejudice *or* whether he seeks additional time for service of process with supporting reasons for such a request. [*Id.*] This Court warned Plaintiff that if he did not respond to the order and/or did

not provide a new summons form and Form USM-285 for Linda Fields with a new updated address, it would recommend that Linda Fields be dismissed without prejudice. [*Id.*] Plaintiff did not respond to the February 20, 2014, order, and the time for response lapsed. It is recommended that Linda Fields should be dismissed from this case *without prejudice* pursuant to Rule 41 of the Federal Rules of Civil Procedure. See *Link v. Wabash R.R. Co.*, 370 U.S. 626, 629–33 (1962). Plaintiff's attention is directed to the important notice on the next page.

s/ Jacquelyn D. Austin
United States Magistrate Judge

March 24, 2014
Greenville, South Carolina

Notice of Right to File Objections to Report and Recommendation

The parties are advised that they may file specific written objections to this Report and Recommendation with the District Judge. Objections must specifically identify the portions of the Report and Recommendation to which objections are made and the basis for such objections. “[I]n the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee’s note).

Specific written objections must be filed within fourteen (14) days of the date of service of this Report and Recommendation. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b); see Fed. R. Civ. P. 6(a), (d). Filing by mail pursuant to Federal Rule of Civil Procedure 5 may be accomplished by mailing objections to:

Robin L. Blume, Clerk
United States District Court
300 East Washington Street, Room 239
Greenville, South Carolina 29601

Failure to timely file specific written objections to this Report and Recommendation will result in waiver of the right to appeal from a judgment of the District Court based upon such Recommendation. 28 U.S.C. § 636(b)(1); *Thomas v. Arn*, 474 U.S. 140 (1985); *Wright v. Collins*, 766 F.2d 841 (4th Cir. 1985); *United States v. Schronce*, 727 F.2d 91 (4th Cir. 1984).